

#7.1

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI
JANUARY 19, 2016

Be it remembered that the regular meeting of the Tupelo City Council was held in Council Chambers, at the City Hall Building on Tuesday, January 19, 2016, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Travis Beard, Nettie Y. Davis, Buddy Palmer and Mike Bryan; Ben Logan, City Attorney; and Kim Hanna, Chief Financial Officer. Councilman Willie Jennings was absent.

The invocation was led by Rev. Stevie McKinney, a friend of Councilwoman Davis who introduced him. Development Services Director Shane Hooper led the Pledge of Allegiance.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Palmer called the regular City Council meeting to order at 6:00 p.m.

**IN THE MATTER OF CONFIRMATION OR AMENDMENT
OF AGENDA AND AGENDA ORDER**

Upon a motion by Vice-President Lynn Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to confirm the agenda and agenda order, amended as follows:

ADD: #7.20 Resolution of Authorization to Submit Application for
2016 Transportation Alternative Grant Program

DELETE: Study Item #8.2 – Need for Pre-Disaster Procurement Plan

4. **PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA**

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

No scouts were present for recognition.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

Mayor Shelton presented Certificates of Appreciation to the following City of Tupelo employees for their years of dedicated service to the citizens of the community:

Cortney Harper	Tupelo Police Department	10 years
Sandy Shumaker	Administrative Offices	20 years
Debbie Brangenberg	Downtown Main Street	25 years

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IN THE MATTER OF PUBLIC RECOGNITIONS

The following public recognitions were made by Councilwoman Nettie Davis. She first congratulated the city's committee members on the many activities that had been held during the Martin Luther King, Jr. Celebration the past weekend. Events began on Friday night and continued through Monday, January 18, in honor of Dr. King's birthday. She congratulated Councilman Willie Jennings on having received the "Community Service Award" at the banquet. Councilman Jennings was honored with this award for the success of the "Plant a Seed" program which he sponsored, giving many hours of work toward its implementation and which has made such a difference in many young people's lives.

She, also, announced that Mission Mississippi would hold a breakfast on Thursday, January 21, 2016, at the New Providence MB Church. Councilwoman Davis will be the guest speaker for this event.

IN THE MATTER OF MAYOR'S REPORT

Following are excerpts from Mayor's Report for this meeting:

... Followed up on Councilwoman Davis' comments regarding the wonderful celebration that had been held the previous weekend in honor of Dr. Martin Luther King, Jr. Tupelo hosts the largest celebration in honor of Dr. King's birthday in the state of Mississippi.

... Celebrity Wait Night sponsored by the "Make-a-Wish" Foundation is scheduled for Tuesday night, January 26, at the Fairpark Grill. Fire Chief Thomas Walker, Mayor Shelton, Lee County Sheriff Jim Johnson and others will be servers at the Grill beginning at 5:00 p.m. with all proceeds going to the Foundation.

... Announced that the City has had a six-month straight increase in sales tax indicating a vibrant economy and very impressive for the city.

... Mentioned the matter of demolition of the old Ramada Inn property located on North Gloster Street and which is on tonight's agenda. Since the last City Council meeting, discussions have been held with representatives of Coamerica Bank and City Attorney Ben Logan regarding the dangerous condition of the property and the matter of securing it. The Mayor stated the most dangerous parts of the property have now been secured and plans for demolition are scheduled to be brought before the City Council at the February 2, 2016, council meeting. Mayor Shelton requested that the matter remain

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on the table at tonight's meeting.

... Several nominations for various city committees, both new appointments and re-appointments, are on the agenda for the City Council's consideration tonight. Mayor Shelton said this had been an on-going process of filling vacant positions and bringing the committees up-to-date. He urged the Council's approval of his recommendations.

... The minutes of the Tupelo Major Thoroughfare Program Committee meeting of December 14, 2015, appear on tonight's agenda. These minutes contain the Committee's proposals for Phase VI which will be voted on in May 2016. Acceptance of these minutes would indicate acceptance of the proposals by the City Council in lieu of having the Committee appear before the Council and present them. The acceptance of the Committee's proposals through their minutes will be the final step before the Public Hearing to be held on February 2, 2016, at the regular Council meeting.

... Mayor Shelton explained that the Resolution authorizing submission of an application for 2016 Transportation Alternatives Grant Program (TAP) which had been added to tonight's agenda was for the purpose of broadening the scope of a grant which had already been submitted. He said the city has had much success with this program in the past, building sidewalks and participating in the "Safe Routes to Schools Program". The city is seeking 1.5 million dollars which is the maximum amount that can be received.

5. **PUBLIC AGENDA**

(No Items)

6. **ACTION AGENDA**

(No Items)

7. **ROUTINE AGENDA**

IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR COUNCIL MEETING

Upon a motion by Councilwoman Davis, seconded by Councilman Beard, the council voted unanimously of those present to approve the minutes of the regular council meeting of Tuesday, January 5, 2016.

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IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman M. Bryan, seconded by Councilwoman Davis, the council voted unanimously of those present to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members L. Bryan, Beard, Davis and M. Bryan:

Check Nos. 322075 through 322448 (Pool Cash Fund).
Electronic transfers as shown on the face of the docket.
Invoices as shown on the face of the docket.
Requests made by AFLAC to reimburse employees under Flex-One Plan
as shown on the face of the docket.

IN THE MATTER OF REVIEW/APPROVE FOLLOWING
APPOINTMENTS/RE-APPOINTMENTS TO VARIOUS CITY COMMITTEES

Mayor Shelton had nominated several individuals to be appointed or re-appointed to various city committees with the recommendation that the City Council approve each:

- (1) Appointment to Sharon Hills Oversight Committee – Harris Rhea
- (2) Re-appointment to “Quality of Life” Committee – Chris Root
- (3) Appointment to Tupelo Airport Authority Board – Eric Gibens
- (4) Two (2) re-appointments to the Tupelo Parks Advisory Board –
Kenneth Greer and Tara Cayson

Upon a motion by Councilman Whittington, seconded by Councilman L. Bryan, the council voted unanimously of those present to approve all the above-listed appointments and re-appointments to the various committees. Copies of all bio's are attached to these minutes as **APPENDIX A.**

IN THE MATTER OF REVIEW/APPROVE REQUEST TO SURPLUS ITEM
FOR ADMINISTRATIVE OFFICE

Don Lewis, Chief Operations Office, had submitted a request to the City Council to surplus a White Westinghouse microwave, Model #KM600FXM1 bearing City of Tupelo Property Tax #00087 and FCC ID# AJX9T5T712. This item is old and no longer needed. Upon a motion by Councilman L. Bryan and a second by Councilman Beard, the council voted unanimously of those present to grant this request and surplus this item.

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IN THE MATTER OF REVIEW/APPROVE 2016 MEMORANDUM OF AGREEMENT FOR CONTINUATION IN THE MISSISSIPPI MAIN STREET ASSOCIATION MAIN STREET PROGRAM

Upon a motion by Councilman Beard, seconded by Council M. Bryan, the council voted unanimously of those present to approve a 2016 Memorandum of Agreement for Continuation in the Mississippi Main Street Association Main Street Program. This Agreement is entered into and executed by the Mississippi Main Street Association and the City of Tupelo and sponsoring organization Downtown Tupelo Main Street. This agreement is for the purpose of continued participation in the Mississippi Main Street Program. MMSA is under contract with the Mississippi Development Authority to administer the Main Street Program and to provide technical assistance and training to selected communities. A copy of the Agreement is attached to these minutes and incorporated herein as **APPENDIX B.**

IN THE MATTER OF REVIEW/APPROVE REQUEST BY TUPELO POLICE DEPARTMENT TO SURPLUS ITEMS AND TURN OVER TO LEE COUNTY SHERIFF'S OFFICE

Police Chief Bart Aquirre had submitted a request to the City Council to surplus seventeen (17) Delta SWAT Helmets which were purchased by the Tupelo Police Department with funds from a shared grant with the Lee County Sheriff's Office. After the items have been declared surplus, they will be turned over to the Lee County Sheriff's Office.

Upon a motion by Whittington, seconded by Councilman Beard, the council voted unanimously of those present to grant this request and surplus the above items.

IN THE MATTER OF REVIEW/APPROVE DOCUMENTS IN CONNECTION WITH BANK DEPOSITORY

The City Council had voted unanimously at the January 5, 2016, meeting to accept the bid proposal of Trustmark National Bank to serve as the depository for the City of Tupelo for a period of two (2) years and authorize the Mayor and City Clerk to execute any and all documents to enter into agreements with the bank subject to City Council ratification. Those documents are before the City Council at this meeting for consideration.

Upon a motion by Councilman M. Bryan, seconded by Councilman Beard, the council voted unanimously of those present to approve: Resolution Accepting Trustmark National Bank as Lead Bank.

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Upon a motion by Councilman M. Bryan, seconded by Councilwoman Davis, the council voted unanimously of those present to approve: Depository Agreement with Trustmark National Bank.

Upon a motion by Councilman Beard, seconded by Councilman M. Bryan, the council voted unanimously of those present to approve: Credit Card Services Agreement with Trustmark National Bank.

Copies of the above three documents are attached to these minutes and incorporated herein as **APPENDIX C.**

IN THE MATTER OF REVIEW/APPROVE DISBURSEMENT REQUEST NO. 3

In accordance with the terms of the Escrow and Account Control Agreement dated October 22, 2015, by and among the Lessor (Banc of America Public Capital Corporation), the City of Tupelo, Mississippi, Lessee, and Bank of America, National Association, Escrow Agent, Kim Hanna, Chief Financial Officer of the City, had submitted Disbursement Request No. 3 to the City Council for approval for payment.

Upon a motion by Councilman M. Bryan and a second by Councilman Beard, the council voted unanimously of those present to approve Disbursement Request No. 3, requested the Escrow Agent, Banc of America Public Capital Corporation, to pay Invoice Number Application No. 2 in the amount of \$947,173.64 to Schneider Electric Buildings America, Inc. to cover construction contract (mobilization). A copy of Disbursement Request No. 3 is attached to these minutes and incorporated herein as **APPENDIX D.**

IN THE MATTER OF REVIEW/APPROVE 2016 CONTINUING DISCLOSURE SUBMISSION WITH BUTLER/SNOW LLP

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously of those present to approve City of Tupelo, Mississippi 2016 Continuing Disclosure Submission with Butler/Snow, LLP, confirming the engagement of that firm as dissemination agent in connection with its annual continuing disclosure undertaking. Pursuant to Securities and Exchange Commission Rule 15c2-12, as amended, the City is required to provide on an annual basis certain financial information and operating data to the Municipal Securities Rulemaking Board. The city under its Policies and Procedures for Continuing Disclosure SEC Rule 15c2-12 is required to appoint a dissemination agent to carry out this obligation, and approval of the above referenced 2016 Continuing Disclosure Submission meets that requirement. A copy of the same is attached to these minutes and made a part hereof as **APPENDIX E.**

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**IN THE MATTER OF REVIEW/APPROVE DEMOLITION OF PROPERTY
LOCATED AT 854 NORTH GLOSTER STREET**

This item had been tabled at the regular City Council meeting of Tuesday, January 5, 2016, and upon a motion by Councilman Beard, seconded by Councilwoman Davis, the council voted unanimously of those present to leave the matter on the table.

**IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PLANNING
COMMITTEE MEETING**

Upon a motion by Councilwoman Davis and a second by Councilman Beard, the council voted as follows to accept the minutes of the Planning Committee meeting of January 4, 2016:

VOTING AYE:	Whittington, L. Bryan, Beard, Davis, Palmer
VOTING NAY:	M. Bryan
ABSENT:	Jennings

A copy of these minutes is attached hereto as **APPENDIX F.**

**IN THE MATTER OF REVIEW/ACCEPT MINUTES OF TUPELO MAJOR
THOROUGHFARE PROGRAM MEETING**

Upon a motion by Councilman Beard, seconded by Councilman Whittington, the council voted unanimously of those present to accept the minutes of the Tupelo Major Thoroughfare Program meeting of December 14, 2015, a copy being attached to these minutes as **APPENDIX G.**

**IN THE MATTER OF ADJUDICATING COST AND ASSESSING LIENS
AGAINST REAL PROPERTY**

Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to approve a Resolution of Assessment Liens against the following listed properties. Hearings had been held previously before the City Council in which the properties were adjudicated to be a menace to public health and safety. The City of Tupelo has cleaned and mowed the properties and adjudicated costs and penalties according to law.

Properties against which the Resolutions of Assessment Liens are enrolled include: Russell Anderson; Alice Roberta Matthews; Jeannine E. Mah; Wells Fargo Bank, NA.

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**IN THE MATTER OF REVIEW/APPROVE REQUEST TO DESIGNATE NEW
NEIGHBORHOOD ASSOCIATION**

Sherrie Cochran, Neighborhood Coordinator and staff member of the Department of Development Services, had submitted a request from the Audubon Woods neighborhood requesting an official neighborhood association designation from the City Council. Upon a motion by Councilman Beard, seconded by Councilman Whittington, the council voted unanimously of those present to grant this request and designate Audubon Woods as an official neighborhood of the City of Tupelo. A copy of the petition and proposed by-laws of the association is attached to these minutes and made a part hereof as **APPENDIX H.**

**IN THE MATTER OF REVIEW/APPROVE AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT WITH CITY OF TUPELO AND
JBHM ARCHITECTS**

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously of those present to approve an Amendment to the Professional Services Agreement between the City of Tupelo and JBHM Architects to add another project, that being McCullough Blvd. and Country Club Rd. Interchange Landscaping, Tupelo, MS.

A copy of the Amendment is attached to these minutes and incorporated herein as **APPENDIX I.**

**IN THE MATTER OF REVIEW/APPROVE NOTICE OF FEBRUARY 2, 2016
PUBLIC HEARING ON PRIORITIES FOR PHASE VI MAJOR
THOROUGHFARE PROGRAM**

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted as follows to approve a Notice of Public Hearing to be published January 22 and January 29, 2016, said Public Hearing to be conducted on Tuesday, February 2, 2016, at 6:00 p.m. in Council Chamber, 2nd Floor, City Hall Building, Tupelo, Mississippi. Subject of this hearing is public comment and debate on the priorities of the Major Thoroughfare Program – Phase VI. A copy of the notice is attached to these minutes and incorporated herein as **APPENDIX J.**

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IN THE MATTER OF REVIEW/AWARD/REJECT BID TUPELO PUBLIC WORKS DEPARTMENT

Upon a motion by Councilman Beard, seconded by Councilwoman Davis, the council voted unanimously of those present to award the following bid for the Tupelo Public Works Department.. Only one bidder responded to request for bids and Director Chuck Williams recommends that bid from APAC, Mississippi, be awarded:

Bid 1401PW Milling & Overlay

A copy of the bid package is attached hereto as **APPENDIX K.**

IN THE MATTER OF REVIEW/APPROVE CONTRACT FOR TUPELO WATER AND LIGHT DEPARTMENT

Upon a motion by Councilman Beard and a second by Councilwoman Davis, the council voted unanimously of those present to ratify a contract between the City of Tupelo, Mississippi, and Encor, LLC, for the following project of the Tupelo Water and Light Department:

Tupelo SRF FY14 Sanitary Sewer System Improvements – Area 2 North – Deer Park

The bid for this project was awarded by the City Council at the regular meeting of November 3, 2015, to Encor, LLC, in the amount of \$1,857,907.00. The approval of this contract between the parties is recommended by Johnny Timmons, Manager, of the Tupelo Water and Light Department. A copy of said document is attached to these minutes and made a part hereof as **APPENDIX L.**

IN THE MATTER OF REVIEW/APPROVE CHANGE ORDERS AND FINAL SUMMARIES FOR TUPELO WATER AND LIGHT DEPARTMENT PROJECTS

The City Council took the following action regarding certain projects of the Tupelo Water and Light Department:

Upon a motion by Councilman M. Bryan and a second by Councilman Beard, the council voted unanimously of those present to approve the following change order and final summary for:

Tupelo SRF FY13 Water System Improvements – Area 3 – Auburn – Change Order No. 3 & Final Summary. This change order provides an adjustment amount for final quantities with a reduction/savings of \$104,694.73. This brings the final contract

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contract amount to \$659,080.47.

Upon a motion by Councilman M. Bryan and a second by Councilman Whittington, the council voted unanimously of those present to approve the following change order and final summary for:

Tupelo SRF FY14 Water System Improvements – Area 2 North – Indian Hills-Change Order No. 3 & Final Summary. This change order provides an adjustment for final quantities with a reduction/savings of \$461,525.32. This brings the final contract amount to \$1,037,884.68.

The above items have been reviewed by Johnny Timmons, Manager, Tupelo Water and Light Department, who finds them to be correct and recommends the approval of same. Copies of the documents are attached to these minutes as **APPENDIX M.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTION OF
AUTHORIZATION TO SUBMIT APPLICATION FOR 2016
TRANSPORTATION ALTERNATIVES GRANT PROGRAM

Upon a motion by Councilwoman Davis, seconded by Councilman Whittington, the council voted unanimously of those present to approve a Resolution of Authorization to Submit Application for 2016 Transportation Alternatives Grant Program. The Mississippi Department of Transportation (MDOT) has allocated Transportation Alternatives Program grant funding to award to eligible entities for projects providing transportation alternatives as defined in 23 U.S.C. 101(a)(29)(MAP-21 1103) and the City of Tupelo is an entity eligible to benefit from such a program. Funding will provide pedestrian and wheelchair access in various locations in Tupelo by creating safer access to crosswalks at intersections in the city. This grant funding requires a twenty (20%) per cent match from the city.

The passage of this resolution replaces the action taken on resolution applying for the TAP grant funding which was approved by the City Council at their regular meeting of January 5, 2016.

An executed copy of this resolution is attached to these minutes and made a part hereof as **APPENDIX N.**

8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS TEXT AMENDMENTS

This item will be moved to the Action Agenda for the next council meeting.

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9. **EXECUTIVE SESSION**

No executive session needed.

10. **ADJOURNMENT**

There being no further business to come before the council, upon a motion by Councilman Beard, seconded by Councilman Whittington, the council voted unanimously of those present to adjourn the regular meeting at 6:45 p.m.

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR